IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

OP.No. 10745 of 2003(D)

PETITIONER:

D.SATHYANESAN, S/O. DEVADASAN,
RESIDING AT VATAVAILA, SATHIYA BHAVAN, PUNALAL,
PERUMKULAM VILLAGE, NEDUMANGAD TALUK.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
SRI.J.JOHNSON

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DISTRICT COLLECTOR, COLLECTORATE,
VANCHIYOOR, THIRUVANANTHAPURAM.

3. THE SPECIAL DEPUTY TAHASILDAR,
REVENUE RECOVERY NO.1, KERALA STATE,
FINANCIAL ENTERPRISES LTD, REGIONAL OFFICE,
THIRUVANANTHAPURAM.

4. THE MANAGER, KERALA STATE FINANCIAL
ENTERPRISES LTD., VELLANAD BRANCH,
THIRUVANANTHAPURAM.

R4 BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.
R1 TO R3 BY GOVERNMENT PLEADER SMT. R. BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 18545 OF 2003 IN OP10745 OF 2003

DISMISSED

1.3.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE JUDGMENT IN OP 37561 OF 2002 DATED 12.12.2002

EXT.P2 TRUE COPY OF THE AFFIDAVIT AND PETITION FILED BY THE PETITIONER DATED 7.1.2003

EXT.P3 TRUE COPY OF THE SALE NOTICE NO. SDT/TVM/738/99 DATED 26.2.2003

EXT.P4 TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER TO THE 3RD RESPONDENT DATED 14.3.2003

RESPSONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 10745 OF 2003

Dated this the 1st day of March, 2007

JUDGMENT

Petitioner is in repeated litigation raising untenable contentions against the fourth respondent, which has lent money to the petitioner. Even though petitioner has paid the principal amount, counsel for the fourth respondent submitted that in terms of the loan agreement, remittances have been adjusted towards interest and balance as of now is above Rs. 2 lakhs. The loan was availed in the year 1995 and petitioner started remitting the arrears only after recovery was initiated. Obviously interest accrued for over 10 years would have led to massive liability. Interest charged is stated to be 20% which is exhorbitant going by any standard , more so when lender is a Government agency. In the circumstances, I direct the respondents to grant incentives to the petitioner provided petitioner clears the arrears before 31.3.2007. If the beneficial scheme available for payment before 31.3.2007 does not provide for waiver of interest in excess of equal amount of loan, then I direct the fourth respondent to limit the interest liability to equal

amount of loan. This would mean that if the petitioner makes balance payment to make the total payment to Rs. 1,60,000/- then the entire arrears will stand discharged, but on one condition that the said payment should be made before 31.3.2007.

O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge